

**Notice of Allowability**

Application No.

10/537,819

Applicant(s)

GRUPP, JOACHIM

Examiner

JAMARA A. FRANKLIN

Art Unit

2876

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on May 05, 2008.
2. ☒ The allowed claim(s) is/are 26-35 and 38-43.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>07/01/08</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date ____     | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                         |
|  | 9. <input type="checkbox"/> Other ____.  |

/Jamara A. Franklin/  
Primary Examiner, Art Unit 2876

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joerg-Uwe Szipl on July 1, 2008.

The application has been amended as follows:

**IN THE TITLE:**

delete "ITS".

**IN THE CLAIMS:**

in claim 33, line 1, substitute "Portable" with --portable--;

in claim 38, line 1, substitute "The" with --A--;

in claim 39, line 2, substitute "it" with --the method--;

in claim 39, line 6, substitute "whose" with --having--;

in claim 39, line 7, insert --that-- between "means" and "are";

in claim 40, line 2, substitute "it" with --the method--;

in claim 40, line 10, substitute "whose" with --having--;

in claim 40, line 11, insert --that-- between "means" and "are";

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in claim 42, line 3, substitute “whose” with --having--;

in claim 42, line 3, insert --that-- between “means” and “are”; and

in claim 43, line 1, substitute “A” with --The--.

**IN THE ABSTRACT:**

in line 11 (the next to last line), delete "means".

***Allowable Subject Matter***

2. Claims 26-35 and 38-43 are allowed.

3. The following is an examiner’s statement of reasons for allowance: regarding claims 26 and 38, the prior art of record fails to teach or fairly suggest either alone or in combination thereof a portable electronic object and method for using the portable electronic object wherein the control members are a tactile crystal including at least two electrodes,

wherein the portable object includes

a member for detecting activation of each of the at least two electrodes, the detection member being connected to a management unit;

and wherein a control unit is arranged for deactivating a control member processing member when simultaneous activation of the at least two electrodes is detected;

regarding claim 28, the prior art of record fails to teach or fairly suggest either alone or in combination thereof a portable electronic object further including

an unwanted frequency sensor for measuring an unwanted frequency level, a control unit including a third comparison member for comparing the measured unwanted frequency level to a predefined frequency level, the control member also being arranged for deactivating the radio-frequency signal processing member when the unwanted frequency level exceeds the predefined frequency level;

regarding claim 32, the prior art of record fails to teach either alone or in combination thereof the portable electronic object wherein the application predetermined criterion is selected in accordance with the following criterion:

the energy consumption level of each of the user interfaces that can be used, that having the lowest consumption being selected;

the estimated data introduction mean speed, that offering the highest speed being selected.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMARA A. FRANKLIN whose telephone number is (571)272-2389. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jamara A. Franklin/  
Primary Examiner, Art Unit 2876

JAF  
June 30, 2008